

with the differentiating inclusion of the Claim 5 features. Also included is the text of all amended claims except for the withdrawn claim without presenting their text. Thus, they meet the allowable subject matter determination set out in the Examiner's Action paragraph 22 and should obviate the rejection predicated under Code Section 103.

REMARKS

Claims 1,3, 6, and 7 remain in the case. Claims 4, 5 and 8 are canceled and/or withdrawn for inclusion elsewhere. Dependent Claim 5 withdrawn group recites features that have been engrafted into independent Claim 1. This step is consistent with paragraph 22 and 23 of the PTO Action Letter, indicating what is “Allowable Subject Matter” in the case. The option to argue patentability over the newly cited Japan patent spec 55-82857 is mooted by the Applicant’s acceptance of patentable subject matter of the claims features of dependent Claim 5 now being engrafted into main Claim 1.

Dependent Claim 2, directed to a lip seal means [88B/C] of Fig. 9 was rejected on Code Section 112(1) as allegedly including “new matter”, and thus inviting cancelation. This particular ground is respectfully traversed as follows. Both Figs 9 and 10 (to the dual lip seal components) depict these lip seal means, firstly in assembly Fig. 9, and also in the exploded view of Fig. 10, for clarity of understanding. Moreover, in Specification page 8, starting at line 22, it recites that “an improved visco seal assembly, generally 110, is further adapted to provide an air purge feature with an oil lip means.” This passage was the initial disclosure of the seal means function. Then, as noted, the named figures depict clearly that each lip seal component, both of the 88B and 88C have a substantially squared cross-section, plus the depending lips which contact underlying visco seal 66B (sleeve-like element of Fig. 10). Upon review of the foregoing narrative, favorable

reconsideration of dependent Claim 2, as currently amended, to insert the word "oil" is respectively solicited.

With the present submission addressing all of the issues presented by the Primary Examiner in his latest Action, this case is deemed to be in condition for favorable reconsideration and such a determination is respectfully solicited.

Very truly yours,



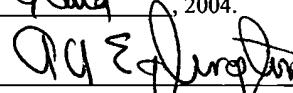
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Date: 9 Aug, 2004
Cc: Client
Enclosures: Clean text Spec. and Abstract
Text of all pending and withdrawn claims
(status - noted)
Trans. of Formal Power

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as First Class Certified Mail in an envelope addressed to: Assistant Commissioner For Trademarks, Attn: Mail Stop Non-Fee Amendment, P.O. Box 1450, Arlington, VA 22313-1450, on 9 Aug, 2004.

Date: 9 Aug 04



Arthur R. Eglinton, Esq.